

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :08.08.2017
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.21051 of 2017 and
W.M.P.No.21940 of 2017

A.E.T.Matriculation Higher Secondary School,
Rep. by its Secretary,
P.Kasiannan,
Pavalathampalayam,
Kathirampatti (Po),
Erode - 638 107.

.. Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.

2. Employees' State Insurance Corporation,
(Sub Regional Office),
Rep. by its Deputy Director,
No.1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
quash the order of the 2nd respondent herein
No.56001110890001302/Ins.IV/6122017643, dated 12.06.2017 under
Section 45A of the Employees' State Insurance Act, 1948.

For Petitioner : Ms.V.P.Sengottuvel

For Respondents : Mr.K.Dhananjayan
Special Government Pleader (For R1)
Mr.Bharadwaj (For R2)

O R D E R

The order dated 12.06.2017 passed by the second
respondent under Section 45A of the Employees' State Insurance
Act, 1948 is under challenge in this writ petition. Pursuant to

the order, the writ petitioner is liable to contribute a sum of Rs.2,28,443/- for the period from 01.06.2012 to 30.11.2012 as determined by the competent authority.

2. The learned counsel for the writ petitioner contended that the issue is pending before the Hon'ble Supreme Court of India and the writ petition is to be considered after the disposal of the cases pending before the Hon'ble Supreme Court of India. The learned counsel appearing for the Employees' State Insurance Corporation produced an order passed by the Hon'ble Supreme Court of India in S.L.P.No.28285 of 2009, etc. dated 15.03.2016 in which the Hon'ble Supreme Court of India dismissed the appeal filed by the Kerala Unaided School Manager Association. Accordingly, this Court also passed the final orders on 20th March 2017 in W.P.No.42247 of 2016 is extracted hereunder:-

"The only challenge sought to be made in this writ petition is to the coverage of employee state insurance qua the private educational institution.

2. When the matter is taken up for hearing, learned counsel appearing for respondents 2 and 3 submits that the issue has been dealt with finally by the Apex Court in a batch of cases in S.L.P.No.28285 of 2009 etc. and by order dated 15.03.2016, it has been held that private educational institutions are also bound to pay the employee state insurance contribution.

3. In such view of the matter, the writ petition stands dismissed. However, taking into consideration the pendency of the writ petition and the difficulties expressed by the petitioner, the arrears of ESI contribution as on today is ordered to be paid by the petitioner in 12 equal monthly installments. It is made clear that the order would cover the past arrears till the month of March, 2017 and thus from the month of April, 2017, the petitioner is bound to pay the ESI contribution on regular basis. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view of the orders cited supra no further consideration required to be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

4. Registry is directed to return the original impugned order filed along with this writ petition to the counsel for the writ petitioner.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asi/maya

To

1. The Principal Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. The Deputy Director,
Employees' State Insurance Corporation,
(Sub Regional Office),
No.1897, Trichy Road, Panchdeep Bhavan,
Ramanathapuram, Coimbatore - 641 045.

- + 1 cc to Mr.V.P. Sengottuvel, Advocate Sr.56971
- + 1 cc to Mr.Bharadwaj, Advocate SR.57091
- + 1 cc to Government Pleader SR.57495

W.P.No.21051 of 2017 and
W.M.P.No.21940 of 2017

MP (CO)
Eu 22.08.17

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